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May 21, 2010

Via Email & First Class Mail

Matthew C. Ireland, Esq.
Assistant Attorney General
Environmental Protection Division
Attorney General's Office
100 Cambridge Street, 10th Floor
Boston, MA 02114

John A. Carrigan, Section Chief
Solid Waste Management
DEP-Northeast Regional Office
205B Lowell Street
Wilmington, MA 01887

Re: Commonwealth of Massachusetts v. New Ventures Associates, LLC; Suffolk Superior Court, C.A. No. SUCV2006-00790; Force Majeure; Extension

Dear Attorney Ireland and Mr. Carrigan:

This office represents New Ventures Associates, LLC ("New Ventures") with respect to the above-referenced action. This letter is written in accordance with Paragraphs 23 and 24 of the Settlement Agreement dated April 30, 2009, further amended in May, 2009 with respect to the completion of the closure of the Crow Lane Landfill (the "Landfill"). This letter is a follow up to prior correspondence with respect to the logistics of the closure and to New Ventures' multiple requests to meet with the Department and the Commonwealth for resolution of outstanding design and sequence issues.

New Ventures is unable to complete the closure of the Landfill contemplated in the Settlement Agreement based upon the Department's denial of its berm design dated March 3, 2010 and the Department's continued refusal to meet with New Ventures to resolve this matter. New Ventures complied with the Settlement Agreement and submitted a berm design from a professional geotechnical consultant that meets the required 1.3 safety factor. The Department did not make a finding that the design did not meet 1.3. Rather, the Department requested additional information and has refused to meet with New Ventures since that time. As a result of the Department's refusal to meet with New Ventures, New Ventures was forced to appeal the berm denial. A copy of the appeal is attached. New Ventures intends to complete closure following resolution of the berm denial. New Ventures has stated several times that the rock buttress will be extended consistent with the FHWA specifications but has not received a response.

May 21, 2010

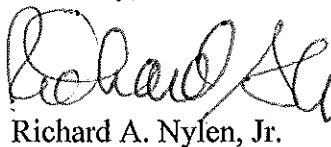
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As the Department is well aware, the closure of the Landfill requires the completion of the MSE Berm, and as a result of the denial and Department actions, New Ventures was forced to appeal the Department's improper, unsupported decision. Further, the Department's approved design requires an extension of FML over the berm. On this basis, loaming and seeding must wait for this berm construction.

New Ventures again renews its request to meet with the Department to finalize this closure. New Ventures intends to proceed with the closure when the Department approves the berm design or the appeal is resolved.

Thank you.

Sincerely,



Richard A. Nylen, Jr.

RAN/kad
Enclosure

cc: The Honorable Donna Holaday
Mr. William Thibeault/NVLLC
Mr. Richard Chalpin
Michael W. Dingle, Esq.
Mr. Michael Quatromoni
Sen. Steven A. Baddour
Rep. Michael A. Costello